

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING HELD MARCH 19, 2003
SIERRA VISTA, AZ**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on March 19, 2003, at the Windemere Hotel, 2047 S. Highway 92, Sierra Vista, AZ.

Members Present:

- Chairman James Garcia
- Ms. Lisa Flores
- Dr. Michael Polakowski
- Deputy Tamatha Villar
- Sergeant Gary Eisenga
- Chief Joe Vernier
- Acting Director Charles Ryan
- Sheriff Gary Butler
- Director Dennis Garrett
- Sheriff Clarence Dupnik
- Ms. Laura Reckart (representing Attorney General Goddard)
- Director Gerald Richard (representing Chief Hurtt)

Members Absent:

- Attorney General Terry Goddard
- Chief Harold Hurtt
- Chief Jerry Sheridan

Staff in Attendance:

- Tom Hammarstrom
- Lyle Mann
- Lynn Larson
- Colin Peabody
- Gary Maschner
- Steve Jacobs
- Ted Brandon
- Marie Dryer
- Lois Sherlock

Counsel for Board in Attendance:

- Diana Stabler, Asst. A.G.

Guests in Attendance:

Paul Wilson, Pima County S.O.
Bob Lehner, Tucson P.D.
Peter Nick, Goodyear P.D.
Tim Mosby, Kingman P.D.
John Miranda, San Luis P.D.
Terry Hollis, Somerton P.D.
Matt Brooks, Wellton P.D.
Ray Sipe, Kingman P.D.
John Brewer, Gilbert P.D.
Kay Gojkovich, ASU P.D.
Tracy Nielsen, Pascua Yaqui T.P.D.
David Santor, Sierra Vista P.D.
Hector Olivo, Pascua P.D.
Sam Weiss, CARLOTA
Gloria Weiss
John R. Armer, Gila County Sheriff
Jan Madeya, ACIP
Rich Kush, AZRCPI/Tempe P.D.
Phil Franz, Pima College DPS
Richard Vidaurri, Marana P.D.
Steve West, Springerville P.D.
David Gregory, Springerville P.D.
Ken Kimmel, Sierra Vista P.D.
Joe Glowacki, Huachuca City P.D.
John O'Hagan, Yavapai County S.O.
Brad Roland, Sierra Vista P.D.
Luis Martinez, Gila River P.D.
Mertie R. Strompro, Jr., Sierra Vista P.D.
Sean Brownson, Sierra Vista P.D.

A. CALL TO ORDER

Chairman Garcia called the meeting to order at 1:50 p.m.

B. INTRODUCTIONS

None given.

C. CONSENT AGENDA

Approved unanimously, motion made by Director Garrett, seconded by Sheriff Butler.

1. Minutes of the meeting held on January 15, 2003, were approved as written.

2. Income and Expense Statement – January 2003.

Funds as of November 1, 2002	\$ 937,282.68
CJEF Revenue	391,565.17
Expenditures/Encumbrances	(794,141.32)
Balance for May 31, 2002:	\$ 534,706.53

3. The next scheduled Executive Session in accordance with A.R.S. §38-431.03(A)(1), (A)(2), (A)(3) or (A)(4) is Wednesday, May 21, 2003, 1:00 p.m. at AZ POST, 2643 E. University Drive, Phoenix, AZ.
4. The next scheduled Regular Meeting is Wednesday, May 21, 2003, 1:30 p.m. at AZ POST, 2643 E. University Drive, Phoenix, AZ.

5. Ministerial Actions

- a. Certification Waivers: The following individual(s) have met the requirements set forth in AZ POST Rule R13-4-110 and have successfully completed the testing process and verification by AZ POST staff. Therefore, upon Board direction, certified peace officer status has been granted to:

Robert H. Brady	AZ Dept. of Corrections
William R. Gaddis	Gila County S.O.
Craig A. Kaufmann	Avondale P. D.
Paul C. Meissner	Chandler P. D.
Dale L. Tunnell	AZ Dept. of Corrections
Mark A. Smith	Maricopa Cty. Atty's Ofc.

- b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES
- c. Training Program Approvals: Agency requests were reviewed by staff and found to comply with Board guidelines. Programs were approved as requested. LIST ATTACHED TO MINUTES
- d. Decertification Case Status Report Updates: As of February 26, 2003, the Compliance and Standards Unit had 91 active decertification cases in various stages of the process. Fourteen cases are ready for initial presentation; 33 cases need further investigation, 9 cases are pending service of or response to a Notice of Complaint or Decision, 2 cases are pending hearing, 9

cases are ready for final action, and 24 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

D. REGULAR AGENDA

1. Restricted, Full Authority Peace Officer Certification for Police Detective Larry C. Lawrence, Arizona Department of Transportation (ADOT) – Motor Vehicle Division (MVD). Mr. Lynn Larson reported that on December 12, 2002, Mr. Lawrence successfully completed the full, seven-part written waiver exam. As of December 8, 2002, Mr. Lawrence had successfully completed two of the three waiver proficiency requirements: firearms and defensive/pursuit driving. Mr. Lawrence was unsuccessful in completing the POPAT requirement as part of the waiver process. Chief Vernier made a motion to grant restricted, full authority certification to Mr. Larry C. Lawrence. The certification would be restricted to administrative duties only and only for the duration of employment at the current agency, seconded by Deputy Villar, motion carried unanimously.
2. Appointment of Mental Illness and Developmental Disability Training Subject Matter Expert Committee. Tom Hammarstrom reported that members of the mental health community have come before the Legislature yearly and attempted to enact legislation which would impose mandatory training requirements on law enforcement. POST has been successful in lobbying against these efforts, not because we are against mental illness training, but because we feel mandated training through the Legislature is poor public policy. This year, again, a bill was introduced that was very broad reaching. It had very substantial requirements for law enforcement. Staff made a very thorough evaluation and investigation into what is being taught now. As a result of that evaluation, it was concluded that training is not adequate. Subsequently, it was also concluded that it was appropriate for staff to move forward and try to accomplish the intent of the bill that was introduced. It was recommended to the Board that they direct staff to create a subject matter expert committee to create a curriculum on mental illness training.

After a lengthy discussion, Director Garrett made a motion that staff be directed to convene a mental health and disability subject matter expert committee tasked with developing the recommended training curriculum, to be implemented in both pre-service and in-service training, leaving the make-up of the committee to staff, seconded by Deputy Villar, motion carried unanimously.

3. Assistance for Flagstaff Training Room Equipment. Tom Hammarstrom reported that the Flagstaff Police Department and the Coconino County Sheriff's Department share a building that has a classroom which is used heavily by all area agencies as well as AZ POST for programs in the northern part of the state. The room has little or no support for visual aids, and it is requested that assistance be granted in equipping the room so it can serve as a training facility. They are requesting two televisions, a computer and computer projector, a screen, chairs, an overhead projector and labor costs for installation. The room will be used for classes, and also as a meeting room for SME groups involved in telecourse production.

Deputy Villar made a motion that \$20,500.00 be awarded to the Flagstaff Police Department to be used for equipping the classroom used by AZ POST and other agencies, seconded by Sheriff Butler, motion carried unanimously.

E. REPORTS

1. AZ POST

- a. Tom Hammarstrom announced that the AACOP meeting scheduled for Friday, March 21, 2003, in Sierra Vista has been rescheduled for 10 a.m. on Friday, March 21st in Chief Hurtt's office in Phoenix.
- b. Legislative Update

Mr. Lyle Mann reported that the Legislature has approved the 2003 budget. AZ POST and CJEF was not touched, with the exception of the prosecuting attorney's fund. The bills that might of interest to the Board are:

- (1) A bill that will allow peace officers to be excused from jury duty is moving forward. In its current form, any officer that chooses to may file with the jury selection group, and they will be excused from jury service. The bill is authored by the Officers' Association.
- (2) A bill that would allow the appropriation of federal monies was passed, but was vetoed. It is of interest to this Board because that would have placed some appropriation difficulties with

- some of the grants that the Board has currently approved. The Governor has vetoed the bill, and they cannot override it.
- (3) There are two mental illness bills, one was held in committee in the House, and the other bill is 1322. Bill 1332 has passed the Senate 24-5. With the motion that was recently passed by the Board, it can be explained this is not necessary legislation.
 - (4) SB 1338 - Law enforcement representation – this is a bill that will provide an officer the right to have a representative with him or her if they are going to be interviewed by a supervisor or Internal Affairs when they are in danger of significant disciplinary action. This will be mandatory for all agencies, and this bill will probably be successful.

2. BASIC TRAINING

Lynn Larson reported that all of the academies statewide are functioning very well, and are not having any significant problems. Commander John Hallahan ask Lynn to give this report from COTA: Currently COTA has seven classes with 142 cadets on site. The Motor Vehicle Department Academy #03-01 began January 5th with 26 cadets and graduated February 28th with 26 cadets. A total of 576 correctional officers have graduated from 28 classes from July 1, 2002 to March 7, 2003. The facility is used for in-service training, and DPS has used it numerous times for refresher training, AOT, and regional meetings. They also provide lodging for two law enforcement personnel for the and K-9 Academy conducted by ADC and five DPS personnel to attend training in Tucson.

CARLOTA – Mr. Sam Weiss reported that CARLOTA has two classes now being conducted, the only unique difference is because of the type of agencies they service and the hiring process working so well, the January class had 25 enrolled and quickly fell to 11, and the February class had 28 enrolled and quickly fell to 10. It was decided to combine the classes and continue with training. CARLOTA is still working on a project to extend the academy to 17 weeks, and it has gone through the first phase. The project will be finalized in June, and hopefully in August, they will start running 17-week academies.

3. POLICE CORPS

Mr. Lyle Mann stated Police Corps has its second cadet that is going to Utah and will be graduating in July. The federal government has released money that will allow the Police Corps to recruit. They are working with the western states group which is going to be utilizing Utah. Most of the cadets have indicated a desire to go to the west valley, so the Police Corps is working with the chiefs in the west valley to find placement for them when they graduate.

4. DEPARTMENT OF CORRECTIONS

Acting Director Ryan reported that by the end of February the Department of Corrections passed a milestone of over 30,000 inmates in custody. February was also the third highest net growth month in the history of the prison system with 315 inmates. The month of March is on course to be a record breaker as well. There are 30,264 inmates in custody today, which is 3,784 more than they have beds. The female population is growing the fastest at the rate that there are no more female beds available, and DOC is erecting tents at the Perryville Prison for Women. The contracted beds in Texas are almost filled. There are 850 correctional officer vacancies in spite of the success at COTA.

Chairman Garcia asked Acting Director Ryan if it costs more when they send inmates out of state. Acting Director Ryan explained that if DOC privatizes with either a county facility or a private sector partner then the per diem rate will be less expensive than with that of the Department. DOC's contact with Coconino County was expanded by 20 additional beds. Given the budget cuts that have just been concluded and recognizing the additional cuts that ADOT has taken, the Department is expanding its partnership, and it is going to employ more inmate crews in cleaning up the highways, culverts, graffiti abatement, etc. The advantage in Coconino County is that ADOT can pick the inmates up at the jail and go two directions on I-40 and I-17 rather than go to the Winslow prison and pick them up, which proves to be cost effective. DOC is going to continue to employ more inmate crews out of the Lewis Prison and Perryville Prison because the contracts with the civilian contractors that pick up the litter are being terminated by ADOT.

5. ARIZONA REGIONAL COMMUNITY POLICING INSTITUTE

Director Kush reported that the AZRCPI is continuing training in ethics, leadership development, domestic violence, as well as the

town halls. They are in the process right now in developing a 6-to-8 hour course on basic anti-terrorism training taken from the federal government's SLATT training – State and Local Anti-Terrorism Training. This is a federal training that was created by a group from Florida. AZRCPI is in partnership with POST and also with the FBI. Every field office of the FBI is mandated to send agents to Quantico during the months of March and April to attend the same training. This training is prevention and detection to raise the awareness of the line officers and also community members. The plan is to put together a 6-to-8 hour class for line officers as well as a one hour presentation for community members. Hopefully, there will be a train-the-trainer class in May.

Tom Hammarstrom stated how important and valuable the partnership has been between POST and AZRCPI.

F. CASES: Consideration and possible action on the certified status of peace officers.

Case #1 – Gregory A. Cash – Tucson Police Department – Ms. Reckart made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Dr. Polakowski, motion carried unanimously.

Case #2 – John F. Crawford – Scottsdale Police Department – The Board considered comments by Asst. Attorney General Diana Stabler. Director Garrett made a motion to adopt the Findings and Fact and Conclusions of Law, seconded by Sheriff Dupnik. Chief Vernier made a motion to revoke peace officer certification, seconded by Sheriff Butler, motion carried unanimously.

Case #3 – Lori A. Flick – Glendale Police Department – *Ms. Reckart recused herself from participation or voting.* Chief Vernier made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sgt. Eisenga, motion carried.

Case #4 – Raymond E. Haley, Jr. – Yuma Police Department – The Board considered comments by Asst. Attorney General Diana Stabler. Sheriff Butler made a motion to initiate proceedings, seconded by Ms. Flores, motion carried unanimously.

Case #5 – Jeffery J. Hodgden – Tohono O'Odham Police Department – The Board considered comments by Asst. Attorney General Diana Stabler. Deputy Villar made a motion to adopt the Findings of Fact and Conclusions of Law, seconded by Chief Vernier, motion carried unanimously. Sheriff Butler

made a motion to revoke peace officer certification, seconded by Ms. Flores, motion carried unanimously.

Case #6 – Jeffrey D. Jerde – Gilbert Police Department – Sheriff Dupnik made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Villar, motion carried unanimously.

Case #7 – John D. Kennedy – Glendale Police Department – The Board considered comments by Asst. Attorney General Diana Stabler. *Ms. Reckart recused herself from participation or voting.* Director Garrett made a motion to adopt the Consent Agreement, Order and Decision (voluntary relinquishment), seconded by Sgt. Eisenga, motion carried.

Case #8 – Michael C. McKay – Mohave County Sheriff's Office – Sheriff Butler made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Vernier, motion carried unanimously.

G. CALL TO THE PUBLIC

None received.

The Board continued their discussion on peace officer dishonesty from the morning's Charging Board meeting.

H. ADJOURN

Chairman Garcia adjourned the meeting at 4:20 p.m.

Dated March 25, 2003

Lois Sherlock, Recording Secretary

MINUTES APPROVED:

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